

### MDR Tracking Number: M4-03-5548-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 4-17-03.

#### I. DISPUTE

Whether there should be reimbursement for CPT codes: 95851, 95904WP, 97110, 97265, 97250, 97122 and 97750.

#### II. FINDINGS & RATIONALE

DOS	CPT CODE	Billed	Paid	EOB Denial Code	MARS (Maximum Allowable Reimbursement)	Reference	Rationale
5-6-02 6-4-02 6-18-02	95851	\$36.00	\$0.00	F, G	\$36.00	Medicine GR (I)(E)(4)	ROM testing is not global to any service rendered on this date, reimbursement of \$36.00 X 3 dates = \$108.00 is recommended.
5-20-02	95904WP (6)	\$384.00	\$0.00	N	\$64.00/nerve	Medicine GR (IV)	Report supports testing of Peroneal and Sural nerves bilaterally, reimbursement of \$64.00 X 4 = \$256.00 is recommended.
6-6-02 6-11-02	97110 (4)	\$140.00	\$70.00	H	\$35.00/15 min	Medicine GR (I)(A)(9)(b)	See Rationale below
6-11-02	97265	\$43.00	\$21.50	H	\$43.00	CPT Code Descriptor	MAR reimbursement of \$21.50 is recommended.
6-11-02	97250	\$43.00	\$21.50	H	\$43.00	CPT Code Descriptor	MAR reimbursement of \$21.50 is recommended.
6-11-02	97122	\$35.00	\$17.50	H	\$35.00	CPT Code Descriptor	MAR reimbursement of \$17.50 is recommended.
6-12-02	97750	\$516.00	\$78.00	H, N	\$43.00/body area for muscle test \$100.00/hr	Medicine GR (I)(E)(2-4)	The requestor noted PPE started 11:10 and was completed 2:10.  The requestor's Ergos Evaluation Summary Report indicates that the purpose of evaluation , "To evaluate the Whole Body Functional Capacity." The requestor does not document the difference between his PPE and FCE, and why the MAR and limitations for testing in Ground Rules do not apply to testing. No additional reimbursement is recommended.
TOTAL							The requestor is entitled to reimbursement of <b>\$424.50</b> .

Rationale for 97110:

Recent review of disputes involving one-on-one CPT code 97110 by the Medical Dispute Resolution section indicate overall deficiencies in the adequacy of the documentation of this code both with respect to the medical necessity of one-on-one therapy and documentation reflecting that these individual services were provided as billed. Moreover, the disputes indicate confusion regarding what constitutes “one-on-one.” Therefore, consistent with the general obligation set forth in Section 413.016 of the Labor Code, the Medical Review Division has reviewed the matters in light all of the Commission requirements for proper documentation. The therapy notes for these dates of service do not support any clinical (mental or physical) reason as to why the patient could not have performed these exercises in a group setting, with supervision, as opposed to one-to-one therapy. The Requestor has failed to submit documentation to support reimbursement in accordance with the 1996 MFG and 133.307(g)(3). Therefore, reimbursement is not recommended.

### **III. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for CPT codes, 95851, 95904WP, 97265, 97250, 97122 in the amount of **\$424.50**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$424.50** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 28th day of January 2005.

Elizabeth Pickle  
Medical Dispute Resolution Officer  
Medical Review Division